

APPROVED: Meeting No. 25-81

ATTEST:

*Helen M. Heneghan*

MAYOR AND COUNCIL  
ROCKVILLE, MARYLAND  
MEETING NO. 22-81

June 3, 1981

The Mayor and Council of Rockville, Maryland, convened in executive session in the City Manager's Library, City Hall, Maryland at Vinson Street, Rockville, Maryland, on Wednesday, June 3, 1981, at 6:00 p.m. to discuss litigation. There being no further business to come before the Mayor and Council in executive session the meeting was adjourned at 8:00 p.m. to convene again in general session on Monday, June 8, 1981, at 8:00 p.m. or at the call of the Mayor.

June 8, 1981

The Mayor and Council of Rockville, Maryland, convened in general session in the Council Chamber, Rockville City Hall, Maryland at Vinson Street, on Monday, June 8, 1981, at 8:00 p.m..

PRESENT

Mayor William E. Hanna, Jr.

Councilman Steve Abrams

Councilwoman Phyllis Fordham

Councilman John Tyner

ABSENT

Councilman John Freeland

The Mayor in the Chair.

In attendance: City Manager Larry Blick; City Clerk Helen M. Heneghan; Director of Recreation and Parks Ronald Olson; Director of Planning James M. Davis; Budget Officer Anna Lee Berman; Chief of Police Jared Stout; City Attorney Roger Titus; Assistant City Manager Daniel Hobbs; Director of Community Development Douglas Horne; Director of Public Works Robert Goodin; Public Information Officer Sue M. Patterson; Director of Finance John Lawton.

Re: City Manager's Report

Mr. Blick reported the following:

1. The bids will be opened for the propane conversion on June 18.
2. The request for proposal for the telephone system will be mailed on June 9.
3. The Edmonston Drive Bridge opening has been postponed until July 15, due to the rain.

4. The B&O Railroad Station has been placed on its new foundation.
5. The Frederick Avenue overpass should be completed by July 30.
6. The City Attorney informed the Mayor and Council of the suit by the Mall owners for an injunction to bar the city from shutting off the escalators in the Mall. After pleading before two judges, both of whom denied the request, the escalators were turned off. The owners have 30 days in which to appeal this decision.

Re: Award of Contract: Bid No. 46-81  
Parking Garage Lights

Bids were opened by the Contract Officer at 3:00 p.m., May 21, 1981, for the installation of high pressure sodium lamps and luminaires in the Town Center Parking Garage. Bids were received in two forms -- electric contractors bid on installation and supply of bulbs and fixtures. Electric equipment suppliers bid on the bulbs and fixtures only. The City thus, was able to select the best overall price for installation and equipment. A total of twenty bids were received as follows:

<u>Company</u>	<u>Installation</u>	<u>Luminaires/Bulbs</u>	<u>Total</u>
Tunnel Electric	\$24,989	\$68,536.40	\$93,525.40
Electric Maint. @ Contruccion	\$25,875	\$72,326.80	\$98,201.80
Meridian Electric	\$16,920.40 plus \$11.50/hr. for removal and disposal of old fluorescents	\$86,944	\$103,847.40+
Vignola Electric	\$24,608	\$80,608.40	\$105,216.40
BAR Electric	\$35,579	\$83,200(no (no bulbs)	\$118,779.00
BCM Electric	\$50,560	\$75,556.75	\$126,116.75
Kennedy Electric	\$76,760	\$88,320	\$165,080
Buhl Electric	\$92,800	\$92,953	\$185,753
Sam Gonzales	\$35,306	no bid	\$35,306
Allen & Whelan	\$34,490	\$55,438.50 (no bulbs)	\$89,928.50
B&J Electric	\$26,250	\$70,510 (no bulbs)	
*WESCO	no bid	\$62,571	\$62,571
R&S Electric	no bid	\$66,665	\$66,665
Graybar	no bid	\$69,846.50	\$69,846.
Maurice Electric	no bid	\$73,926.40	\$73,926.
GE Supply	no bid	\$78,340.25	\$78,340.25
Dorman Electric	no bid	\$79,460.50	\$79,460.50
Atlantic Electric	no bid	\$83,497.80	\$83,497.80
Rockville Electric	no bid	\$89,402.75	\$98,402.75
ITB	no bid	\$94,608.60	\$94,608.60

This project will involve the replacement of 2,300 fluorescent lighting fixtures in the Town Center Parking Garage with 640 high pressure sodium fixtures for an average annual savings in electricity costs of over \$50,000. The quality of light in the garage will improve and the amount of maintenance required to change bulbs and repair or replace fixtures will be substantially reduced.

The amount budgeted in the CIP account was \$135,000. The staff estimate was \$105,000. The staff recommends the award for installation to Paul Vignola Electric for \$24,608 and the award for supply of bulbs and fixtures to R&S Electric for \$66,665, for a total project cost of \$91,273. The low bid for bulbs and fixtures by WESCO of \$62,571 is not recommended because the unit does not meet the specifications.

On motion of Councilman Tyner, duly seconded and unanimously passed, Bid No. 46-81 was awarded to Paul Vignola Electric for \$24,608 installation and R&S Electric for \$66,665 for bulbs and fixtures, making a total project cost of \$91,273.

Re: Award of Contract: Bid No. 47-81  
Riding Slope Mower

Bids were opened in the Contract Office, City Hall, at 4:00 p.m., May 21, 1981, for one riding slope mower.

The bids were as follows:

G.L. Cornell Company, Gaithersburg, Maryland	\$11,844.00
H.G.S. Power House, Inc., Huntington, Station, New Jersey	12,495.00
Wilfred MacDonald Co., Clifton, New Jersey	12,646.00
Lyons and Lyons Co., Glen Arm, Maryland	12,994.40
All Island Equipment Co., West Babylon, New York	14,325.00
Excell Industries, Hesston, Kansas	14,525.00
Power Pro Co., New Holland, Pennsylvania	15,650.00
Bacher Company, Billerica, Massachusetts	18,000.00

This machine has an automatic leveling system so that the operator is continuously level with the horizon. It is to be used for mowing slopes where, with a conventional tractor and mower, there have been instances in other municipalities of vehicles rolling over and injuring the driver.

The amount budgeted was \$12,000. The staff recommends an award to G.L. Cornell Company for \$11,844.00.

On motion of Councilman Abrams, duly seconded and unanimously passed, Bid No. 47-81 was awarded G.L. Cornell Co., in the amount of \$11,844.00.

Re: Award of Contract: Bid No.  
49-81, Montrose Subdivision  
Sewer and Water

Bids were opened on Thursday, May 28, 1981 at 3:00 p.m. in the City Hall Council Chambers concerning the construction of sewer and water mains and house service for Montrose subdivision. This project will serve fourteen new homes and was authorized by the Mayor and Council as a special assessment project on December 15, 1981. At that time, the construction was estimated at \$103,000.

Seven bids were received as follows:

DiMeglio Construction Co., Inc., Hyattsville, Maryland	\$69,027.50
Taylor Construction Company, Bethesda, Maryland	73,270.00
San-Dot, Inc., Union Bridge, Maryland	73,816.75
Calcon Company, Inc., Gaithersburg, Maryland	76,489.00
Landcraft Company, Inc., Alexandria, Virginia	86,107.75
Deneau Construction, Inc., Gaithersburg, Maryland	92,026.25
Nazario Construction, Inc., Beltsville, Maryland	103,910.00
Engineer's Estimate	\$78,000.00

The engineer's estimate is reflective of the current trend of reduced prices for sewer and water installations. The prices proposed by the low bidder, DiMeglio Construction Company, Inc., are extremely favorable. He is well experienced and has previously performed similar work in a satisfactory manner for the City.

Staff recommends an award to the low bidder, DiMeglio Construction Company, Inc. in the amount of the bid of \$69,027.50.

On motion of Councilwoman Fordham, duly seconded and unanimously passed, Bid No. 49-81 was awarded to the low bidder, DiMeglio Construction Company in the amount of \$69,027.50.

Re: Adoption of Ordinance: To  
Grant Street Closing Application  
SCA-34-81

Ordinance No. 31-81

On motion of Councilman Tyner, duly seconded and unanimously passed, the Mayor and Council all voting aye, Ordinance No. 31-81, the full text of which can be found in Ordinance Book No. 10 of the Mayor and Council granting the street closing application was adopted by the Mayor and Council.

Re: Adoption of Ordinance: To repeal and re-enact with amendments, Section 11-1.08 of the "Laws of Rockville", entitled "Traffic, Vehicles, and Transportation" to establish speed limits within the City in accordance with Maryland Vehicle law.

Ordinance No. 32-81

Councilwoman Fordham moved denial of the ordinance. The motion failed for lack of a second. Councilman Tyner expressed his approval of the ordinance saying that this matter had been considered by the Traffic and Transportation Commission for a long time and the City Manager has suggested that the Mayor and Council adopt the ordinance to bring the traffic code into compliance with state law. The City should work with the Municipal League to seek an amendment of state law to permit municipalities to set speed limits in school zones at 15 m.p.h. Councilman Abrams said he agreed with those reasons. Councilwoman Fordham disagreed and said **there** is no reason to change at this stage if the City is going to the state to ask for the change. She said that the signs saying 15 m.p.h. should not be taken down. Mayor Hanna said he plans to support the ordinance in order to comply with state law and he knows that the signs should be taken down because he has a basic problem with unenforceable laws. He said it is difficult to leave signs up knowing no law applies and any citations given will not stand up in court. It might be possible to take them down until the legislation is in effect. Councilwoman Fordham reiterated her statement that keeping the signs in place is the wrong thing to do.

On motion of Councilman Tyner, duly seconded and passed, Mayor Hanna and Councilmembers Tyner and Abrams voting aye and Councilwoman Fordham voting nay, Ordinance No. 32-81, the full text of which can be found in Ordinance Book No. 10 of the Mayor and Council, was adopted by the Mayor and Council.

Re: Award of Bid: Installation of  
Solar energy system at Swim Center

Bids for construction of the swim center solar energy system and natatorium roof were opened by the Contract Officer at 3:00 p.m. on May 28, 1981, at Rockville City Hall. Seven bids were received as follows:

	Roof	Solar	Total
Environmental & Ecological Product	25,100	139,900	\$165,000
R.W. Warner, Inc.	49,063	129,999	179,062
AREY, Inc.	21,500	168,746	190,248
P&T Associates	23,000	175,000	198,000
T&T Contractors	29,800	170,000	199,800
Inberg Mechanical	32,188	168,654	200,842
Voight and Son	57,800	178,057	235,857

The City reserved the right to award a split contract for the re-roofing work and the solar installation if it would be in the City's interest. The low bid on the re-roofing cannot be accepted because the bidder will not agree to do the roof only. Therefore, the staff recommends that the re-roofing contract be awarded to P&T Associates for \$23,000, and the solar installation be awarded to R.W. Warner, Inc., for \$129,999, for a total project cost of \$152,999. The FY 81 CIP provides a total of \$155,000 for solar and \$23,500 for the re-roofing project under CIP program number 42-000361.

Mayor Hanna asked if any money was to be wasted after this improvement is in place if the City should decide at a later time to expand. Mr. Vandrey said no, it would keep the cost down.

On motion of Councilman Tyner, duly seconded and unanimously passed, the solar bid for the pool was awarded to P&T Associates for \$23,000 for re-roofing and the solar installation to R.W. Warner, Inc. for \$129,999 for a total project cost of \$152,999.

#### Re: Citizen's Forum

The Mayor opened the meeting to those citizens who wished to address the Mayor and Council:

1. David Abuhove, Chairman of the Planning Commission. Mr. Abuhove addressed the Mayor and Council concerning the consideration of the use of Woodley Gardens elementary school as a senior center. He told the Council that after the Planning Commission had reviewed the project, the Planning Commission pointed out the deficiencies in the use of the Woodley Gardens site because of its location and offered, as an alternative, consideration of West Rockville Elementary school which will also be closing and is more centrally located and also adjacent to Welsh Park and the Municipal Swimming Pool. The Council discussed this at length with Mr. Abuhove, weighing planning considerations against those factors which the Council has considered due to the present availability of the Woodley Gardens school and the possibility of making the senior center a reality. The Council thanked Mr. Abuhove for the commission's position.

2. Evelyn Gaunt, 308 Lincoln Avenue. Mrs. Gaunt told the Council that she represents the Pump House Senior Center and the Friendly Club, and although she has no quarrel with the new center, the people she represents would rather stay at the Pump House if the Woodley Gardens Center is opened. Mayor Hanna said there will be no change in the programming at the Pump House. The issues are separate. Mrs. Gaunt said there are many rumors that the Pump House will be closing. Mayor Hanna said it will not close.

3. Tony Kanz, 816 Woodley Drive. Mr. Kanz spoke to the Council, having had many years' working experience as a municipal traffic engineer, and read a letter to the Council for the record. The letter pointed out the neighborhood impact it would create in Woodley Gardens if the senior center were allowed access from Carnation Drive and suggested that if the school is used as a senior center, full consideration should be given to access via a future Gude Drive or Piccard Drive extended. The Mayor thanked Mr. Kanz for his testimony.

4. An unidentified citizen spoke to the Council and said as a resident of the Woodley Gardens area, he objects to the Gude Drive cut through. It is his feeling that the senior impact will be minimal and there will be no fast traffic, but mostly busses. He said he would hate to see the issue of the senior center involved with an access problem or the building of additional roads.

5. Roger McArthur and Barry Chinkin, merchants at Rockville Mall. The men addressed the Council and asked the Council's view on why the escalators were turned off at the Mall. Mayor Hanna explained the waste of tax payer's money, spending over \$30,000 per year in light of no payments being made to the City. The merchants discussed this at length and pointed out the particular problems that will befall them as small businessmen with lack of access to the parking garage. Mayor Hanna explained that the City is not attempting to hurt anyone, but is trying to save tax payers' money.

6. Jean Brady, 725 Wilson Avenue. Mrs. Brady spoke as a private citizen and addressed the point of the use of the West Rockville Elementary School as a senior center and pointed out that it is only a little closer to town than the Woodley School, but it would take many additional funds to convert it to a senior center since it is on two floors and is a much older building. As chairman of the Senior Citizens Commission, she told the Council that waiting two years for another school would be a large mistake and it will be at least two years before final disposition is made for West Rockville. She said the

time spent in traveling is not that much different since most seniors would be on a bus.

There being no other citizen wishing to address the Mayor and Council, the Mayor closed the Citizen's Forum portion of the meeting.

Re: Approval of Grant Application  
for School Rehabilitation Funds

The Mayor and Council is considering a grant application to the State Office on Aging for funding to convert the Woodley Gardens School to a Senior Citizens Activity Center. During the FY 82 budget work sessions, the Mayor and Council instructed staff to apply for state funding, which is available through Chapter 270, Laws of Maryland 1980, "to provide state assistance for the purpose of converting surplus public school buildings and other public buildings or parts thereof to use as a center for elderly citizens."

The State grant funds are available on a 50%/50% matching basis for conversion and capital equipment costs only, up to a maximum of \$200,000. The total cost to convert the school will be approximately \$200,000. The grant will not cover any operating costs.

As part or all of the 50% match, the City can use the appraised value of the land and building minus outstanding debt service. The value will be well in excess of the match requirement. In discussion with state agency staff, it was determined that no other grant has ever been submitted using the appraised value as match. Staff believes that using this approach would substantially reduce the chances to get the grant and are submitting the following alternative funding options.

Option I represents the alternative most likely to be funded, with option 4 being the least likely to be funded. The Mayor and Council included funds in the FY 82 capital budget for this purpose.

#### Alternative 1 - Straight Cash Match

City Cash Match	\$100,000
State Cash Match	<u>100,000</u>
Total	\$200,000

#### Alternative 2 - State Aging and POS Grants Combined

Building Improvements	\$110,000	
City Cash Match	55,000	
State Cash Match	55,000	
Grounds Improvement and Parking Lot	90,000	Net Share State \$122,500
State POS Match (75%)	67,500	Net Share City <u>77,500</u>
Cash City Match (25%)	22,500	Total 200,000



## Alternative 3 - Partial Cash and Appraisal Value Match

City Cash Match	\$ 50,000
State Cash Match	150,000
Appraised Property	
Value Match Portion	100,000

## Alternative 4 - Total Appraised Value Match

City Cash Match	\$-0-
State Cash Match	\$200,000
Appraised Value Match	\$200,000

Councilman Abrams moved, duly seconded by Councilwoman Fordham, that the Mayor and Council approve the grant application for Woodley Gardens conversion using Alternative 1. Councilman Tyner asked the City Manager where the funds will come from. The City Manager said it will come from the CIP. Councilwoman Fordham said she prefers Alternative 1. She does not want to lose the building. She said she is glad to see the budget prepared by the staff. She still has some concerns. She does not like the West Rockville Elementary location and she does not care for the building. She does not think there is time to look at other locations such as Congressional School. Mayor Hanna explained that a letter must be given to Montgomery County explaining that the school will be used for public purpose in order to make it eligible for this state waiver of debt fund payment. Council noted the fact that the school conversion is dependent on the grant. Mayor Hanna suggested that without the grant Montgomery County still expects the City to take the school. Councilman Abrams said the City should tell the County that the grant is necessary or the City cannot take the school. Mayor Hanna felt that the City should go ahead and get the school and if the grant funds are not awarded, use Capital Improvements Funds to cover the entire amount. Councilwoman Fordham said she is getting more concerned that the figures could be doubled. She would like to pursue ownership of the school, but she does not want to have any irrevocable decisions. Mayor Hanna said it is his understanding that the City would seek the grant funds but the senior center would be created anyway. The Council discussed this further and the wording of the letter to the County including the fact that the City is depending upon the grant for conversion and that the city would like the county's support on the application. Councilman Abrams' motion to approved the grant using Alternative 1 was approved unanimously. Mayor Hanna said he still has reservations about the funding.

Re: Discussion of Proposal  
to permit second dwelling  
unit in existing homes

This is a proposal previously discussed by the Mayor and Council at its meeting of March 16, 1981. It would allow conversion of apartments in established homes. Council asked staff to provide additional information on the subject of apartment conversion, and the experience of other cities with similar programs for the possibility of designating a trial area in which a pilot program could be implemented. Councilman Tyner moved, duly seconded that the proposal be rejected. Councilwoman Fordham agreed with the motion. She said that the Mayor and Council had heard from many citizens. She said there was never an understanding by the citizens of the program being a pilot program and this type program would need citizens to make it work. The citizens have been very vocal in their opposition. The idea may yet come to be, and she is sure that it exists illegally in areas of the city, but this is not the right time. Councilman Tyner agreed that it may come up on its own at one point. He said it is one responsibility of the Mayor and Council to surface new ideas on housing. This is the second idea that has been broached, the other one being occupancy permits, both of which were rejected by the citizens. The Council must keep trying. Councilman Abrams agreed with the former statements, however, he suggested the Council continue to look at duplex units in new construction. That way, such a project could be introduced where there is no conflict with the existing neighborhood. Mayor Hanna said if there are existing units in the City, the License and Inspection Department should see that they are eliminated and he said he plans to vote against this proposal. He sees no advantages to it and all the disadvantages. He noted that "Granny Flats", which the Council rejected, was a much better program.

Councilman Tyner's motion to reject the proposal passed unanimously.

Re: Correspondence

The Mayor and Council noted the following items of correspondence:

1. John Tyner, Montgomery County Chapter MML, re CATV agreement

Councilman Tyner asked the Council if they would approve the agreement which he has sent as president of the Montgomery County Chapter of the Maryland Municipal League, and spoke of the merits of his agreement. Mayor Hanna complimented Councilmembers Fordham and Tyner and Assistant City Manager Daniel Hobbs on the good and difficult job they have done on the committee of Cable TV.

He said he cannot support these agreements which do not reflect Rockville's position. Councilman Abrams suggested that the City go along with the League's recommendation, if only for the purpose of generating discussion. He said it might be worthwhile for the Council to reopen discussion and the League's position should be supported. Mayor Hanna disagreed and said there is no way the City can support an agreement that names Rockville in it. He has sent a letter to Montgomery County noting Rockville's disinterest in Cable TV at this time. He included with that letter, many items that Rockville would need to address before it considered Cable and the agreement does not even mention the items. He said the Chapter should certainly do what is in its best interest, but he, as Mayor of the City of Rockville, cannot approve an agreement that names Rockville. Councilman Tyner again suggested that the Mayor and Council approve the agreement. Councilwoman Fordham said the City has the responsibility to its sister cities and to Montgomery County. She has no problem with not signing an agreement, but the agreement aids the smaller municipalities and Rockville's weight adds to the balance. Mayor Hanna disagreed. The City Manager spoke to the advantages to Rockville of approving the agreement. He suggested that Rockville say it does not intend to sign, but does not object to the agreement being sent. Mayor Hanna disagreed and said the agreement is unacceptable to him since it names Rockville. The City Manager suggested Rockville's name be stricken from the agreement. Mr. Tyner said it cannot be stricken. Councilman Abrams suggested that the League be notified that Rockville does not intend to execute the agreement, but they certainly can execute if they wish. Councilwoman Fordham said, although the concept is fine, she thinks all mention of Rockville should be stricken. Mayor Hanna said the City had been specifically requested to consider the agreement. He would like a one line letter answering the request with no additional language saying that the City of Rockville wishes to advise the Montgomery County Chapter that the City does not wish to adopt and execute the agreement of June 2, 1981, concerning CATV. The Council had no further objections.

2. Doreen Ward, re commendation of City employee.

Re: Information Items

The Mayor and Council noted the following items of information:

1. Memo from Planning Director re West Montgomery Task Force

Mayor Hanna said the process should be followed and the West Montgomery Task force should submit its report to the Mayor and Council for that is the stated policy. Councilman Tyner said as protocol, that is fine, but the parent organizations of the Ad Hoc Task Force have requested copies and more time is needed. The City Manager said he hesitates to hand out a report before the Mayor and Council agree how much further it should be distributed. It is a bad policy to go to other bodies before the Mayor and Council sees it. Councilwoman Fordham said the West Montgomery Task Force has gone on and on and she does not understand what the situation is,

but she wishes people would calm down. Mayor Hanna agreed. He stated that the Council's policy is any report should come to the Mayor and Council first. If the task force needs additional time, then the Mayor and Council will entertain the suggestion. But as of now, he would like the report on June 29.

2. Notice of improvements to Maryland Route 586
3. Memo from Planning Commission re RMSC - Feasibility Study

Re: New Business

1. Councilwoman Fordham brought to the Council's attention a proposal entitled "Rockville Recalled". This project would utilize space age technology to record part of the past. There is grant money available for which an application can be made. This proposal has been given to her by Mrs. McGuckian and Mr. and Mrs. Kelsey. She moved, duly seconded, that the City staff explore with Mrs. McGuckian and Mr. and Mrs. Kelsey, the possibility of obtaining a grant for a Humanities program for an oral history and a contract by the people named with the City.

Councilman Tyner agreed and suggested that the representative from the staff should be Sue Patterson. Mayor Hanna asked that the City Manager be allowed to name the staff that he wished to work on this. The motion passed unanimously.

2. Councilman Abrams asked that the staff look into the letter received from Mrs. Gallagher.

3. Councilman Abrams asked that the staff look into the feasibility of the city using legal interns as special State's Attorney's to prosecute municipal infractions.

Re: Approval of Minutes

On motion of Councilwoman Fordham, duly seconded and unanimously passed, the Minutes of Meeting No. 15-81, May 9, 1981, was approved as amended.

On motion of Councilman Abrams, duly seconded and unanimously passed, the Minutes of Meeting No. 16-81, May 11, 1981, were approved as written.

On motion of Councilwoman Fordham, duly seconded and unanimously passed, the Minutes of Meeting No. 17-81, May 12, 1981, were approved as written.

On motion of Councilwoman Fordham, duly seconded and unanimously passed, the Minutes of Meeting No. 18-81, May 12, 1981, were approved as written.

The Mayor and Council agreed to postpone approval of the Minutes of Meeting No. 19-81, May 16, 1981, until the full Council is present.

On motion of Councilman Abrams, duly seconded and unanimously passed, the Minutes of Meeting No. 20-81, were approved as written.

Re: Adjournment

There being no further business to come before the Mayor and Council in general session, the meeting was adjourned at 10:40 p.m. to convene again in general session on Monday, June 15, 1981, at 8:00 p.m. or at the call of the Mayor.